THE HON'BLE Mr. JUSTICE C.V. RAMULU

W.P.No.4357 OF 1998

ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in not releasing Rs.2,14,237.00 Ps. towards medical expenses incurred on the daughter of the petitioner, as wholly illegal, arbitrary, discriminatory and violative of Articles 14, 16, and 21 of the Constitution of India and consequently to direct the respondents to release the said amount in favour of the petitioner.

The petitioner worked as an Officer and retired from the State service as Deputy Collector. While he was in service, his daughter Ms. K. Vijaya Lakshmi (since died) was operated for kidney transplantation and for the post operative care and treatment, he purchased life saving drugs, "Sanndimum Necral" during the period between 12.3.1993 and 21.6.1997. He submitted medical bills to the department, and, in turn the said bills were referred to the Director of Medical Education. Through the impugned proceedings the request of the petitioner was turned down saying that at the time of operation, the Government had reimbursed an amount of Rs.50,000/- towards medical expenses incurred by him for renal surgery as per G.O.Rt.No.272 Revenue (Ser.I) Department, dated 22.2.1994, and therefore, the original bills numbering 245 furnished along with the proposal were returned to the Commissioner of Land Revenue. Aggrieved by the same, this Writ Petition is filed.

Though no counter affidavit is filed, learned counsel for the respondents asserted that the petitioner was paid a sum of Rs.50,000/- at the time of surgery conducted for kidney transplantation, and asserted further that there is no provision in law for grant of further amounts or for reimbursement of the expenditure incurred for post operational care and treatment. Therefore, it is contended that the Writ Petition is devoid of merits and is liable to be dismissed.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned proceedings as well as other material made available on record.

It is not the case of the petitioner that he is entitled for reimbursement of medical expenses incurred in connection with post operational care and treatment of

his daughter who underwent kidney transplantation. It is the only contention of the petitioner that by relaxing the Andhra Pradesh Integrated Medical Attendance Rules, 1972 in favour of various Government Officers and employees, full and total medical expenses incurred in cases of treatment for heart ailment and kidney transplantation have been reimbursed, and in fact, according to the petitioner in all cases requiring special sanction or relaxation or interpretation of the Medical Attendance Rules, they should be referred to the Government and though the case of the petitioner was referred, the impugned order came to be passed without relaxing the Medical Attendance Rules as was done in case of other Officers. According to the petitioner, the Government has not considered as to whether this is a case for grant of relaxation or treating the same as special case for purpose of reimbursement of medical expenses.

In view of the above facts and circumstances, there shall be a direction to the respondents to reconsider the case of the petitioner as to extending relaxation or treating the same as a special case for the purpose of reimbursement of medical expenses incurred by the petitioner in connection with the post-operational kidney transplantation care and treatment of his daughter and pass appropriate orders within a period of two months from the date of receipt of this order and communicate the same to the petitioner. The petitioner is directed to file a fresh representation along with the bills within three weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

10th August, 2005.

Kgr

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V. RAMULU

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WRIT PETITION No : 4357 OF 1998

Between:

K.Venkata subbaiah, S/o. Subbaiah,
R/o. Dr.No.7/521-5, Jayanagar Colony,
Cuddapah District.

..... PETITIONER

AND

1 The District Collector, Cuddapah District.
2 The Special Chief Secretary to Government,& the Commissioner of Land

Revenue,Andhra Pradesh, at Hyderabad.
3 The Director of Medical Education, A.P., Hyderabad.
4 The Secretary of Government, Revenue Department, A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or Writ particularly one in the nature of writ of Mandamus declaring the action of the respondents in not releasing the Medical expenses of Rs.2,14,237-00/- to the petitioner towards medical expenses incurred on his dependant daughter (Late) is wholly illegal arbitrary, discriminatory unjust and also violating of Art.14,16,& 21 of the constitution of India and consequently direct the respondents to release the amount of Rs.2,14,237-00/- to petitioner towards medical expenses incurred on his deceased dependant daughter and pass.

Counsel for the Petitioner: Ms. B. MALLESWARI

Counsel for the Respondent No.: GP FOR REVENUE